



City of Gainesville Agenda Item Report

File Number: 2023-1122

Agenda Date: December 7, 2023

Department: Public Works

Title: 2023-1122 Request for Ordinance Amending Chapter 23 – Article VI – Public Right-of-Way Use by Gainesville Regional Utilities (B)

Department: Public Works

Description: Ordinance amending Chapter 23 – Article VI Public Right-of-Way Use by Gainesville Regional Utilities removing exemption from the Code requirements.

Fiscal Note: The estimated permit fees generated with the proposed Ordinance change is approximately \$150,000 annually. The fees would offset the cost associated with field construction standards inspections and traffic safety inspections currently absorbed in the general fund budget and offset the cost associated with permit reviews and processing.

Explanation: Public transportation right-of-way (ROW) is acquired and donated for the safe and efficient travel of all modes of transportation and the movement of goods and services; these purposes inherently precede all other ROW uses. The Florida Legislature authorizes the use of ROW by public utilities and authorizes cities to require permits and set reasonable standards for utility use of ROW (337.401 Florida Statutes).

The City's rules for utilities using the ROW are contained in Chapter 23 – Article VI of the City's Code of Ordinances. Gainesville Regional Utilities (excluding Gainesville Regional U-Com) is currently exempt from the Code. The proposed amendment would help to improve coordination and communication of work within the ROW and ensure consistency with Code requirements for permitting between the various utility providers and normal Public Works operations.

Gainesville Regional Utilities currently adheres to and meets ROW permitting requirements and standards for the Florida Department of Transportation and Alachua County. The City's Code is consistent with these and also incorporates all national and state regulations related to safe operation of utilities.

Strategic Connection:

- Goal 1: Equitable Community
- Goal 2: More Sustainable Community
- Goal 3: A Great Place to Live and Experience
- Goal 4: Resilient Local Economy
- Goal 5: “Best in Class” Neighbor Services

Recommendation: City Commission direct the City Attorney to advertise an Ordinance Amending Chapter 23 – Article VI – Public Right of Way Use by Gainesville Regional Utilities removing Gainesville Regional Utilities’ exemption to the code requirements.